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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

DONALD J. BURKE, a Nevada resident; and  
DONALD W. BURKE, a Nevada resident,

Plaintiffs,

v.

LEWIS INVESTMENT COMPANY OF  
NEVADA, LLC, a Delaware Limited Liability  
Company; KILEY RANCH SIX  
APARTMENTS, LLC, a Delaware Limited  
Liability Company; LUKE DRAGOVICH, a  
Nevada resident, and DOES 1 through 10; and  
ROE CORPORATIONS 1 through 10,

Defendants.

LEWIS INVESTMENT COMPANY OF  
NEVADA, LLC, a Delaware Limited Liability  
Company; KILEY RANCH SIX LLC, a  
Delaware Limited Liability Company; LUKE  
DRAGOVICH, a Nevada resident,

Counterclaimants,

v.

DONALD J. BURKE, a Nevada Resident; and  
DONALD W. BURKE, a Nevada resident,

Counterdefendants.

Case No.: 3:23-CV-00184-MMD-CSD

**ORDER GRANTING JOINT  
STIPULATION TO EXTEND (1)  
BRIEFING SCHEDULE RE:  
DEFENDANTS' MOTION FOR  
ATTORNEY FEES [ECF NOS. 75, 81]; (2)  
TIME TO OBJECT TO DEFENDANTS'  
BILL OF COSTS [ECF NO. 74]**

**[SECOND REQUEST]**

Plaintiffs/Counterdefendants Donald J. Burke and Donald W. Burke, ("the Burkes"), and  
Lewis Investment Company of Nevada, LLC, Kiley Ranch Six Apartments, LLC and Luke

1 Dragovich (“Lewis”) (collectively the “Parties”), by and through their respective counsel, hereby  
2 file this Stipulation and [Proposed] Order to Extend (1) the Briefing Schedule for Defendants’  
3 Motion for Attorney Fees (ECF Nos. 75, 81); and (2) the time for Plaintiffs to file an objection to  
4 Defendants’ Bill of Costs (ECF No. 74).

5 THE PARTIES HEREBY STIPULATE AND AGREE as follows:

6 1. Defendants’/Counterclaimants’ (“Lewis”) filed their Motion for Attorney Fees  
7 and Costs (ECF No. 75), followed by an Errata filed on the same date (ECF No. 81) (“Fee  
8 Motion”). Lewis also filed a Bill of Costs (ECF No. 74) on February 20, 2025. As a result of the  
9 Fee Motion’s request for joint and several liability between Plaintiffs/Counterdefendants (“the  
10 Burkes”) and their attorney of record, Jeremy B. Clarke, Esq. (“Clarke”), a clear and  
11 irreconcilable conflict arose between the Burkes and Clarke. Therefore, Clarke filed a Motion  
12 to Withdraw as Counsel of Record for the Burkes (ECF No. 85) which Clarke anticipates will  
13 be rendered moot by a substitution of counsel to be filed by attorney Kerry S. Doyle.

14 2. Pursuant to FRCP 54(d) and LR 54-1, the Burkes originally had 14 days to both  
15 oppose the Fee Motion and object to the Bill of Costs. However, recognizing conflicts specified  
16 in the Parties’ first joint stipulation to extend briefing schedule filed on February 28, 2025 (ECF  
17 No. 84), the Court granted the stipulation to extend briefing schedule so that the Burkes’  
18 opposition to Lewis’ Motion for Attorney Fees and Costs, as well as the Burkes’ objection to  
19 Lewis’ Bill of Costs, is due May 19, 2025, and in turn Lewis’ time to file a reply in support of  
20 their Fees and Costs motion, as well as to respond to any objection to the Bill of Costs, is  
21 extended to June 25, 2025. (ECF No. 86).

22 3. Subsequent to the Court’s order granting the stipulation to extend the briefing  
23 schedule for the pending Motion for Fees and Costs, and Bill of Costs, the Burkes’ new  
24 attorney, Kerry S. Doyle, filed a notice of appeal on March 31, 2025. (ECF No. 87). This in turn  
25 triggered the 9<sup>th</sup> Circuit Court of Appeals mediation program where on April 29, 2025, mediator  
26 Bob Kaiser conferred with counsel and agreed to include the issue of attorneys’ fees and costs  
27 in the mediation to involve all interested parties Lewis, the Burkes, and Clarke.

28 4. The prospect of resolving with the assistance of mediator Kaiser the currently  
pending Motion for Fee and Costs, without requiring the expenditure of further court resources

1 and the parties' time and litigation expense, merits this second request to extend the above  
 2 discussed briefing schedule. Therefore, this Stipulation requests an extension of 57 days from  
 3 May 19, 2025 to July 15, 2025 for the Burkes and Clarke and file their respective oppositions  
 4 and objections to Lewis' Fee and Costs Motion, and Bill of Costs such that, in turn, Lewis shall  
 5 have an extension of 65 days from June 25, 2025 to August 29, 2025 to file a reply in support of  
 6 their Fees and Costs motion, as well as to respond to any objection to the Bill of Costs.

7 GOOD CAUSE EXISTS TO GRANT THE REQUESTED EXTENSION

8  
 9 Lewis, the Burkes, and Clarke, through their respective attorneys, have conferred in a  
 10 good faith effort to explore global settlement of the pending litigation. The assistance of  
 11 seasoned mediator Kaiser indicates that the desired global settlement is possible. However, key  
 12 to the prospect of a settlement is that the Parties do not incur substantial additional attorneys'  
 13 fees and costs. The Parties therefore seek adequate time to conduct a mediation with mediator  
 14 Kaiser before having to expend the resources briefing a pending motion that will hopefully be  
 15 rendered moot by successful mediation. The Parties believe there will be no prejudice to any  
 16 party should this Court grant the Stipulation

17  
 18 IT IS SO STIPULATED

19 Dated this 19<sup>th</sup> day of May, 2025

Dated this 19<sup>th</sup> day of May, 2025

20 CLARKE LAW, PC

HONE LAW

21 By:   
 22 Jeremy B. Clarke, Esq. (SBN 13849)  
 23 *Attorney for Plaintiffs/Counterdefendants*

By: /s/ Eric D. Hone  
 Eric D. Hone, Esq. (SBN 8499)  
 Leslie A.S. Godfrey (SBN 10229)  
*Attorneys for Defendants/Counterdefendants*

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**ORDER**

IT IS HEREBY ORDERED that:

1. Plaintiffs' and Clarke Law's time to file an opposition to the Fee Motion and an objection to the Bill of Costs shall be extended by 57 days from May 19, 2025, to July 15, 2025; and

2. Defendants' time to file a reply to the Fee Motion and respond to an objection to the Bill of Costs shall be extended by 65 days—from June 25, 2025, to August 29, 2025.



UNITED STATES DISTRICT JUDGE

DATED: May 20, 2025

**From:** Kelly Stout <[kstout@hone.law](mailto:kstout@hone.law)>  
**Sent:** Monday, May 19, 2025 12:44 PM  
**To:** Christian Moore <[cmoore@laxaltlaw.com](mailto:cmoore@laxaltlaw.com)>; Kerry Doyle <[kerry@rdoylelaw.com](mailto:kerry@rdoylelaw.com)>; Eric Hone <[ehone@hone.law](mailto:ehone@hone.law)>  
**Cc:** Leslie Godfrey <[lgodfrey@hone.law](mailto:lgodfrey@hone.law)>; Karen Morrow <[kmorrow@hone.law](mailto:kmorrow@hone.law)>; Candice Ali <[cali@hone.law](mailto:cali@hone.law)>; Kathie Martin <[KMartin@laxaltlaw.com](mailto:KMartin@laxaltlaw.com)>  
**Subject:** RE: Burke vs. Lewis Investment Company - Stipulation to Extend Briefing Schedule

Hi Christian –

Thank you for putting these together. We prefer to extend the briefing schedule rather than withdraw the motion and refile. We approve the stipulation providing new dates in July and August and you are authorized to accept the redlines and submit with Eric's e-signature.

Thank you,

Kelly

**Kelly Stout**

Attorney

Direct 702-608-2896

**Hone Law**

Las Vegas, NV

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**From:** Christian Moore <[cmoore@laxaltlaw.com](mailto:cmoore@laxaltlaw.com)>

**Sent:** Monday, May 19, 2025 10:39 AM

**To:** Kerry Doyle <[kerry@rdoylelaw.com](mailto:kerry@rdoylelaw.com)>; Eric Hone <[ehone@hone.law](mailto:ehone@hone.law)>

**Cc:** Kelly Stout <[kstout@hone.law](mailto:kstout@hone.law)>; Leslie Godfrey <[lgodfrey@hone.law](mailto:lgodfrey@hone.law)>; Karen Morrow <[kmorrow@hone.law](mailto:kmorrow@hone.law)>; Candice Ali <[cali@hone.law](mailto:cali@hone.law)>; Kathie Martin <[KMartin@laxaltlaw.com](mailto:KMartin@laxaltlaw.com)>

**Subject:** RE: Burke vs. Lewis Investment Company - Stipulation to Extend Briefing Schedule

**Importance:** High

Eric and Kerry,

Attached are two alternative stipulations. Once Eric tells us which stipulation is authorized, we can file immediately.